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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,) 3:17-CR-019-HDM-(VPC)
9 Plaintiff,)
10 v.) Preliminary Order of Forfeiture
11 BRIAN MOHART,)
12 Defendant.)

13 This Court finds that defendant BRIAN MOHART pled guilty to Count One of a Two-
14 Count Indictment charging him with Possession of an Unregistered Firearm in violation of Title
15 26, United States Code, Sections 5841 and 5861(d). Indictment, ECF No. 1; Change of Plea,
16 ECF No. 21; Plea Agreement, ECF No. 19.

17 This Court finds defendant BRIAN MOHART agreed to the forfeiture of the property set
18 forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF
19 No. 1; Change of Plea, ECF No. 21; Plea Agreement, ECF No. 19.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
21 America has shown the requisite nexus between property set forth in the Plea Agreement and the
22 Forfeiture Allegation of the Indictment and the offense to which defendant BRIAN MOHART
23 pled guilty.

24 The following property is subject to forfeiture pursuant to Title 26, United States Code,
25 Section 5872 with Title 28, United States Code, Section 2461(c):

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1 1. a Spike's Tactical rifle, Model ST15, .223 caliber, with the shortened barrel
2 length of less than 16 inches, bearing serial number RM-21235;
3 2. a silencer that is not identified by a serial number; and
4 3. any and all ammunition
5 (all of which constitutes property).

6 This Court finds the United States of America is now entitled to, and should, reduce the
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
9 the United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
11 of BRIAN MOHART in the aforementioned property is forfeited and is vested in the United
12 States of America and shall be safely held by the United States of America until further order of
13 the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
15 America shall publish for at least thirty (30) consecutive days on the official internet government
16 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
17 property, state the time under the applicable statute when a petition contesting the forfeiture must
18 be filed, and state the name and contact information for the government attorney to be served
19 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
20 Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
22 entity who claims an interest in the aforementioned property must file a petition for a hearing to
23 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
24 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
25 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

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1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,
5 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the
6 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of
7 the publication on the official internet government forfeiture site, www.forfeiture.gov.

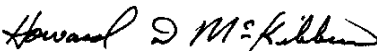
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
10 the following address at the time of filing:

11 Greg Addington
12 Assistant United States Attorney
13 100 West Liberty Street, Suite 600
Reno, NV 89501

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
15 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
16 agency following publication of notice of seizure and intent to administratively forfeit the above-
17 described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
19 of this Order to all counsel of record.

20 DATED this 5th day of June, 2017.

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24 UNITED STATES DISTRICT JUDGE
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